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**TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
RUBI5531D1C3

In re Application of: Roberta LEE and James VETTER

Application No.: 10/796,328

Filed: March 8, 2004

For: EXCISIONAL BIOPSY DEVICE AND METHODS

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The owner\*, RUBICOR MEDICAL, INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,702,831 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2.  The undersigned is an attorney or agent of record. Reg. No. 37,970



Signature

September 8, 2006

Date

Alan W. YOUNG  
Typed or printed name650-851-7210  
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

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